

REMARKS

Applicants respectfully note that although claims 18 and 22 were indicated as being rejected, no specific rejection appears to have been set forth in relation to those dependent claims. Accordingly, the subject matter set forth relative to claims 18 and 22 is believed to be allowable.

Independent claim 1 has been amended to add limitations similar to those previously recited in dependent claim 19. Dependent claims 4 and 19 have been canceled. Claim 32 has been amended to reflect a method. New claims 33 and 34, dependent from claim 1, have been added to set forth particular limitations relative to the ozone sensor location.

Turning now to the Office Action, claims 1-5 and 7-31 are presently rejected under 35 USC §103(a) as being unpatentable over Contreras in view of Burris '993. Claims 1-5, 7-16, 18-29 and 31 also remain rejected under 35 USC §103(a) as being unpatentable over Engelhard et al. in view of Burris '993. And, a new rejection of claims 1 and 32 under 35 USC §103(a) has been set forth based upon Burris '993 in view of Contreras.

Considering the rejection of claims 1-5 and 7-31 under 35 USC §103(a) as being unpatentable over Contreras in view of Burris '993, Applicants submit that the suggested combination fails to support all the limitations now recited in amended claims 1 or 30. Among other limitations, Applicants respectfully urge that neither Contreras nor Burris '993, alone or in combination, teach a control system, said control system including an ozone sensor, located in said liquid circulation passageway, and connected to said control system and an alarm to indicate whether the device is operating properly (e.g., claim 1). In light of the amendments to claims 1 and 30, the claims are believed to be patentably distinguishable over the combination of Contreras in view of Burris '993. Accordingly, the rejection is traversed, and Applicants maintain amended independent claims 1 and 30 are in condition for allowance, as are all claims dependent from claim 1.

With respect to the rejection of dependent claim 31, for example, Applicants respectfully contend that the Examiner is relying on an inherency argument, but has

again failed to set forth the requisite proof to support a rejection based upon inherency. The Examiner has failed to make the case for an inherency rejection as set forth in MPEP §2112, and has not established that the recited "control system wherein the control system, in response to a period of non-use, turns the device off" is necessary in Contreras.

Claims 1-5, 7-16, 18-29 and 31 were rejected under 35 USC §103(a) as being unpatentable over Engelhard et al. in view of Burris '993. Applicants again respectfully urge that the suggested combination fails to support all the limitations now recited in amended claim 1. Among other limitations, Applicants respectfully urge that neither Engelhard nor Burris '993, alone or in combination, teach a control system and an ozone sensor, located in said liquid circulation passageway, the ozone sensor connected to said control system and said control system further connected to an alarm to indicate whether the device is operating properly. In light of the amendments to claim 1, the claim is believed to be patentably distinguishable over the combination of Engelhard in view of Burris '993. Hence, the rejection is respectfully traversed. Applicants believe amended independent claim 1 is in condition for allowance, as are rejected claims 2-3, 5, 7-14, 16-18, 20-29 and 31, all claims dependent therefrom.

For purposes of brevity additional arguments relative to the dependent claims are reserved for appeal. However, with respect to the rejection of dependent claim 31, Applicants respectfully contend that the Examiner has improperly characterized the teachings of Engelhard, particularly relative to a control system. Col. 3, lines 57-63 do not appear to teach "a control system wherein the control system, in response to a period of non-use, turns the device off." Accordingly, the rejection of dependent claim 31, for example, is at best incomplete.

Claims 1 and 32 were rejected under 35 USC §103(a) based upon the combination of Burris '993 in view of Contreras. With respect to the rejection of amended claim 1, Applicants again respectfully urge that the amended independent claim, as described above, is patentably distinguishable over any combination of Burris '993 and Contreras. For purposes of brevity, Applicants have not re-asserted the arguments set forth above, but instead incorporate them herein.

Relative to amended independent claim 32, the claim has been amended to characterize a method for disinfecting water and lines for medical use. The amended

independent claim recites mixing and dissolving the ozone containing gas in the liquid using an ozone mixing system employing a pump, and concurrently recirculating the liquid containing dissolved ozone through a pressurized liquid circulation passageway that includes a return loop connected to said mixing system to conduct unused liquid to said ozone mixing system to provide a regulated supply of liquid containing dissolved ozone for medical use, said ozone mixing system thereby re-treating the unused liquid as well as any liquid from the liquid source. Applicants respectfully contend that such an operation is not specifically taught by a combination of Burris '993 in view of Contreras.

Moreover, in the rejection based upon Burris '993 in view of Contreras, the Examiner selectively picks from the description and thereby ignores the context in which the teachings are provided. For example, the examiner states at page 21 of the office action, describing the features of '993, “[a] circulation system, i.e., circulation loop, draws liquid from the reservoir 36 via line 16 through pumping system 20 (which is a pressure regulator) and returns purified liquid to the reservoir via line 41. Therefore, the circulation system re-circulates liquid containing dissolved ozone and is capable of continuous circulation (Col. 5 II. 59-67).” However, following this text the '993 description reads, “[w]hen treatment is completed and outflow is desired, valve 44 changes state, preferably in response to an outflow switch so that liquid flows directly to an outlet from pump 43. Generator 15 is preferably turned off while this occurs.” This clearly indicates that the invention of Burris '993 is a batch unit and is distinct from a continuous operation device as the present invention.

In view of the foregoing remarks and amendments, reconsideration of this application and allowance thereof are earnestly solicited. In the event that additional fees are required as a result of this response, including fees for extensions of time, such fees should be charged to USPTO Deposit Account No. 50-2737 for Basch & Nickerson LLP.

In the event the Examiner considers personal contact advantageous to the timely disposition of this case, the Examiner is hereby authorized to call Applicant's attorney, Duane C. Basch, at Telephone Number (585) 899-3970, Penfield, New York.

Respectfully submitted,

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